IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUATION SHEET
SECOND APPEAL NO.704 OF 2006

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Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.	Court's or Judge's orders

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Mr.A.M.Patankar and Mr.M.S.Patankar for the Appellants

CORAM: A.S.OKA, J.
DATED: AUGUST 2, 2006.

P.C.:

1. Heard the learned Advocate for the Appellants. The Appellants are the original Defendants. The Trial Court passed a decree for removal of encroachment and mesne profits and the decree has been confirmed in Appeal.

2. The learned Advocate for the Appellants submitted that the courts below have not appreciated the factual aspects of the matter correctly. The courts below have also not considered the effect of the fact that the compound wall was in existence right from the year 1978. He submitted that the existence of compound wall itself establishes the plea of

adverse possession.

3. I have considered the submissions. The Courts below have considered the oral and documentary evidence on record and have come to the conclusion that the Appellants have failed to establish assertion of hostile title. The Appellate court has referred to the oral evidence of the witnesses examined by the Appellants. The Appellate Court has recorded a finding of fact that the Appellants could not adduce any evidence to prove that the compound wall must have been erected in the year 1978.

4. The findings of both the Courts below are based on oral and documentary evidence on record. There is no perversity in the said finding. No substantial question of law arises. Second Appeal is dismissed with no order as to costs.

Judge.